

REMARKS

The amendments and remarks presented herein are believed to be fully responsive to the Office Action.

Claim 1 is pending in the present application. Claim 1 has been canceled and claim 2 has been withdrawn. Further, claim 3 has been added. No new matter has been added. The independent claim recited by the present application is claim 3.

The restriction requirement made Final in the Office Action referred to above has resulted in the withdrawal of claim 2. Applicant reserves the right to file a divisional application directed to claim 2 during the pendency of this application.

Claim 1 has been cancelled, without prejudice. Thus, the rejection thereof is moot. Even assuming, for the sake of argument, that the rejection stated in the Office Action apply to the newly added claim 3, the rejection of claim 1 under 35 USC 101 has been overcome in Claim 3.

The rejection of claim 1 under 35 USC 112, second paragraph, has been overcome in Claim 3 wherein the term “which can rapidly overcome growth-standing phase on early culture” has not been included. The limitations of claim 3 more clearly identify the invention.

The rejection of claim 1 under 35 USC 112, first paragraph has been overcome in part by amendment to the specification, made with Amendment A filed February 12, 2008, wherein the address of the Korean Culture Center of Microorganisms has been added to the specification. Because the deposit referred to in the specification on November 21, 2002 was in accordance with the treaty referred to the specification and provided an accession number KCCM 10448, all restrictions on the availability of samples of the mutant strain will be irrevocably removed upon the granting of a patent based upon this application.

The deposit of the claimed mutant strain has been referred to in the body of the specification at p.4, lines 3-5 in accordance with the requirement of the examiner by entry of the above amendment of the specification to include the address of the Korean Culture Center of Microorganisms.

The requirement for a complete taxonomic description is respectfully traversed in that the availability of the mutant strain will provide such description. The strain has been demonstrated by example in the specification to be self replicating, making the taxonomic description an unnecessary burden on the applicant. The examiner is respectfully requested to withdraw the requirement.

The prior art reference, US 6,821,768 has been noted. The distinguishing feature of the presently claimed mutant strain is now present in claim 3.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

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